

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TODD BIGELOW,

Plaintiff,

- against -

CAMBRIDGE ANALYTICA, LLC, SCL  
GROUP LIMITED, and SCL GROUP, INC.,

Defendants,.  
----- -x

18 Civ. \_\_\_\_ ( )

JURY DEMANDED

COMPLAINT FOR WILLFUL COPYRIGHT INFRINGEMENT

This copyright infringement case involves the unauthorized use by defendants and/or an entity engaged by and working for them, Global Science Research ("GSR"), of an iconic photograph ("the Photo") created and owned by plaintiff Todd Bigelow ("Bigelow").

THE PARTIES

1. Bigelow is a resident of California and a professional photographer and journalist for almost three decades. His work has appeared in such publications as TIME, Sports Illustrated, Public Radio International, National Geographic Traveler, Smithsonian, Newsweek, ESPN.com, Der Spiegel (Europe's leading news weekly), People, AARP and the Chronicle of Higher Education. He contributed to two Breaking News Pulitzer Prizes awarded to the Los Angeles Times for coverage of the 1992 Los Angeles Riots and the 1994 Northridge Earthquake. He has worked with some of the nation's leading non-profit organizations including the Southern Poverty Law Center, The James Irvine Foundation, Teaching Tolerance and the Food & Environment Reporting Network. His work has appeared in galleries around the world, including the California Museum of Photography, Oakland Museum of California, and the Newseum in Washington, DC.

2. In 1994 Bigelow created the Photo, a copy of which is annexed hereto as Exhibit "A." Bigelow's copyright in the Photo was registered with the United States Copyright Office under

Registration No. VA 1-964-979. Because of its iconic status and reputation, the Photo has become closely associated with Bigelow.

3. Upon information and belief, defendant Cambridge Analytica LLC (together with co-defendants SCL Group Limited and SCL Group, Inc., which are its parents and/or affiliates, jointly “CA”) is in the business of creating and utilizing data. As its website proclaims, “Cambridge Analytica uses data to change audience behavior.” It is currently the subject of substantial international controversy and litigation arising out of its alleged unauthorized collection and use for nefarious purposes of data that was mined from millions of users of Facebook. CA maintains headquarters in the City of New York among other locations.

#### JURISDICTION AND VENUE

4. This Court has jurisdiction over this case pursuant to 28 U.S.C. §1338 because this is an action for copyright infringement under the United States Copyright Act. Venue in this district is proper pursuant to 28 U.S.C. §§1391(b) and 1400.

#### UNDERLYING FACTS

5. Among other subjects, Bigelow has created acclaimed photographs of persons seeking to gain entry into the United States by climbing a (previously constructed) wall on the border between the United States and Mexico. The Photo is one of those photographs.

6. On information and belief, in the course of collecting data from those millions of Facebook users, CA and/or its agent GSR made prominent use of the Photo as part of an online personality test.

7. At no time was Bigelow asked for permission for the alleged extensive use of the Photo by CA/GSR and at no time did he grant any such permission. In fact, in light of the nefarious uses to which CA allegedly put the data collected in part by utilizing the Photo, Bigelow never would have granted any such permission.

CAUSE OF ACTION FOR WILLFUL COPYRIGHT INFRINGEMENT

8. Bigelow incorporates here the contents of Paragraphs 1 through 7 above.
9. The unauthorized copying, dissemination, display, and other exploitation of the Photo by CA constitutes willful infringements of the registered copyright in the Photo, which infringements profited CA and damaged Bigelow.

WHEREFORE, Bigelow demands judgment a) awarding to him CA's profits attributable to the infringements, his damages, and/or statutory damages, pursuant to 17 U.S.C. §504; b) awarding to him his costs and attorneys' fees, pursuant to 17 U.S.C. §505; c) awarding to him punitive damages; and d) awarding such other relief as the Court deems just.

Dated: April 20, 2018

NORWICK & SCHAD

By: 

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